

## *St. Louis City Ordinance 64240*

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 138

INTRODUCED BY ALDERMAN JOSEPH RODDY

An Ordinance to amend Ordinance No. 60196, approved January 29, 1987, and to repeal Ordinance No. 63080, approved January 25, 1994, relating to the CWE South Business District, a special business district, established pursuant to the provisions of Sections 71.790 - 71.808 R.S.Mo.; by repealing Ordinance No. 63080 which contains the boundaries of the District and enacting a new section pertaining to the same subject matter, but enlarging the District by adding properties that were excluded from the District so that residential property within the District is included therein; by repealing Section Two of Ordinance No. 60196 which provides for the assessment and collection of an ad valorem tax not to exceed eighty-five cents (\$.85) per one hundred dollars (\$100.00) assessed valuation of real property in the District, with an initial levy of that same rate but not to exceed seven thousand dollars (\$7,000.00), and enacting a new Section Two pertaining to the same subject matter, but imposing the ad valorem tax upon all real property in the District as enlarged herein and setting certain expenditure limitations on such funds as may be collected; by repealing paragraph A of Section Four of Ordinance No. 60196 which provides for the membership and term of office of the Board of Commissioners and enacting in lieu thereof a new paragraph A pertaining to the same subject matter; and containing effectiveness, severability, savings and emergency clauses.

WHEREAS, the Board of Alderman did on October 31, 1997 introduce Resolution No. 173 declaring its intention to amend the Central West End South Special Business District (the "CWE South Business District") which was established by Ordinance 60196, approved January 29, 1987, by enlarging the CWE South Business District to include all commercial and residential property within the area of the geographic boundaries of the CWE South Business District and calling for a public hearing on the matter; and

WHEREAS, a public hearing was held at 10:00 a.m. on November 20, 1997, by the Board of Aldermen; and WHEREAS, on November 21, 1997 the Board of Aldermen adopted Resolution No. 173.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance No. 63080, approved on January 25, 1993 which repealed section one of Ordinance 60196, approved January 29, 1987, is hereby repealed and enacted in lieu thereof is a new section, which shall read as follows:

Section One. The Special Business District known as the CWE South Business District, which was established by Ordinance No. 60196, approved January 29, 1987, is hereby amended and enlarged to include all the real property within the area herein described, including that property used exclusively for residential purposes (hereinafter referred to as the "District"), and described as follows:

Beginning at the intersection of the centerlines of Kingshighway and Lindell Boulevards; thence eastwardly along the centerline of Lindell Boulevard to its intersection with the centerline of Taylor Avenue; thence southwardly along the centerline of said avenue to its intersection with the centerline of the east-west alley between Laclede and Forest Park Avenues; thence eastwardly along said alley to its intersection with the centerline of Newstead Avenue; thence southwardly along the centerline of said avenue to its intersection with the north line of the right-of-way of the Bi-State Development Agency; thence westwardly along such line a distance of 444 feet and 1 1/2 inches; thence north a distance of 421 feet 6 3/4 inches to the centerline of Duncan Avenue/Parkview Place; thence westwardly along the centerline of Duncan Avenue/Parkview Place to its intersection with the centerline of Euclid Avenue; thence northwardly along the centerline of said avenue to its intersection with the centerline of Forest Park Avenue; thence westwardly along the centerline of said avenue to its intersection with the centerline of Kingshighway Boulevard; thence northwardly along the centerline of said boulevard to the point of beginning at the intersection of the centerlines of Kingshighway and Lindell Boulevards.

TWO. Section Two of said Ordinance No. 60196 is hereby repealed and enacted in lieu thereof is a new Section Two of Ordinance No. 60196, which shall read as follows:

Section Two. Taxes for the District shall be assessed and collected as follows:

A. For the purpose of paying for all costs and expenses incurred in the operation of the District, the provision of services and improvements authorized in Section 5 and 6 of this ordinance, and incidental to the leasing, construction, acquisition and maintenance of any improvements authorized herein or for paying principal and interest on notes or bonds authorized for the construction or acquisition of any said improvement, there may be imposed a

tax upon all real property, including that used exclusively for residential purposes, within the District which shall not exceed eighty five cents (\$.85) on the one hundred dollars (\$100.00) assessed valuation.

B. The initial rate of levy which shall be imposed upon all real property within the District, including that used exclusively for residential purposes, shall be eighty-five cents on the one hundred dollars (\$100.00) assessed valuation, but not to exceed seven thousand dollars (\$7,000.00) for any one property or for contiguous properties under common ownership control which are used integrally as one commercial site.

C. Real property subject to partial tax abatement under the provisions of Chapters 99, 100 or 353, R.S.Mo., shall for the purpose of assessment and collection of ad valorem real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be collected upon the same assessed value on which its ad valorem real estate taxes and payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the development plan of any such corporation and authorizing tax abatement.

D. The tax provided for by this ordinance shall be collected by the City and held in a special account to be used for all purposes authorized hereunder. In no event shall less than eighty (80%) percent of the taxes collected herein be used for security and security related improvements within the district as designated by the Board of Commissioners annually.

E. The levy shall not be imposed upon real property exempt from ad valorem taxes because of charitable, religious, educational or other public or private exempt uses.

SECTION THREE. Paragraph A of Section Four of Ordinance 60196 is hereby repealed and in lieu thereof is enacted the following new paragraph which shall read as follows:

Section Four. A. Membership and Term of Office.

The Board of Commissioners shall consist of Seven (7) members, who shall be appointed by the Mayor and approved by the Board of Aldermen. Five (5) members shall be owners of real property within the CWE South Business District or their representatives and two (2) members shall be renters of real property with the district or their representatives. Each member of the Board of Commissioners shall serve for four year terms with terms expiring as of December 31st of the designated year or when their successors are appointed,

whichever is later. No employee or elected official of the City shall be a member of the Board of Commissioners.

SECTION FOUR. Severability Clause. If any sentence, clause, section or any part of this ordinance is for any reason held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intent of the Board of Aldermen that this ordinance would have been adopted had such unconstitutional, legal or invalid sentence, clause, section or part thereof had not been included herein.

SECTION FIVE. Effectiveness Clause. This ordinance shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the CWE South Business District at the City-wide election to be held on November 4, 1997, shall received in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT  
PROPOSITION \_\_\_\_\_

Shall a tax of \$.85 per \$100.00 valuation (but in no case to exceed \$7,000.00) be imposed on all real property, including that property used exclusively for residential purposes, located in the CWE South Business District as established by Ordinance No. 60196, approved January 29, 1987 and as amended by Ordinance No. \_\_\_\_\_ to enlarge the boundaries thereof to include all areas of real property, including property used exclusively for residential purposes, for the purposes set forth in said Ordinance No. 60196 and Ordinance No. \_\_\_\_\_?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

SECTION SIX. Savings Clause. The repeal of any ordinance or section thereof by this ordinance shall not affect or impair any prosecution had or commenced in any case before such repeal takes effect; but every such prosecution had or commenced shall remain in full force and effect for all intents and purpose as if such ordinance or section thereof so repealed had remained in force. No offense committed and no penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or section thereof shall be repealed by this ordinance, shall be discharged or affected by such repeal or alteration; but prosecutions for such offenses, penalties, fines, or forfeitures shall be

instituted and proceeded within all respects as if such prior ordinance or section thereof had not been repealed or altered.

**SECTION SEVEN: EMERGENCY CLAUSE.**

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>06/20/97</b>	<b>06/20/97</b>	<b>W&amp;M</b>	<b>12/18/97</b>	
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>12/19/97</b>		<b>01/09/98</b>	<b>01/09/98</b>	<b>01/16/98</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64240</b>				